

This Declaration is intended for the attached application submitted herewith. For updated information see attached application data sheet.  
Atty. Dkt.: 2599-104-C4

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **"Automated Diagnostic Analyzer and Method"** which was filed with the U.S. Patent and Trademark Office on **April 30, 1999** as **U.S. Serial No. 09/303,030**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a);

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>PRIOR FOREIGN APPLICATION(S)</u>			Priority Claimed	
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>yes</u>	<u>no</u>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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GP095-02.UT

Prior U.S.A. Application(s)

60/083,927  
(Application Serial No.)

May 1, 1998  
(Filing Date)

Abandoned  
(Status - patented, pending, abandoned)

**POWER OF ATTORNEY:** I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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BIRD, Donald J.  
ECCLESTON, Lynn E.  
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PERRY, Glenn J.  
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**All correspondence should be directed to Raymond F. Lippitt of Pillsbury Madison & Sutro LLP at the above-listed address.**

Kindly recognize as associate attorney(s):

CHARLES B. CAPPELLARI, Reg. No. 40,937, CHRISTINE A. GRITZMACHER, Reg. No. 40,627, MICHAEL J. GILLY, Reg. No. 42,579, and PETER R. SHEARER, Reg. No. 28,117 at Gen-Probe Incorporated, Patent Department, 10210 Genetic Center Drive, San Diego, CA 92121.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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GP095-02.UT

Full name of first inventor: Kelly G. Ammann

Inventor's signature Kelly G. Ammann Date 8 July 1999

Residence: 656 Wade Road, Longmont, Colorado 80503

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Full name of second inventor: Ralph E. Burns

Inventor's signature Ralph E. Burns Date 8 July 1999

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Full name of third inventor: Ernest V. Hansberry

Inventor's signature Ernest V. Hansberry Date 8 July 1999

Residence: 29435 Roon Drive, Evergreen, Colorado 80439

Citizenship: United States of America

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Full name of fourth inventor: Glenn A. Horner

Inventor's signature Glenn A. Horner Date 7-12-1999

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Full name of fifth inventor: Cheryl A. Jakub

Inventor's signature Cheryl A. Jakub Date 8 July 1999

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GP095-02.UT

Full name of sixth inventor: John E. Kling

Inventor's signature John E. Kling Date July 12, 1999

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Full name of seventh inventor: Donald J. Nieglos

Inventor's signature Donald J. Nieglos Date 7/8/99

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Full name of eighth inventor: Robert E. Schneider

Inventor's signature Robert E. Schneider Date 7/8/99

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Citizenship: United States of America

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Full name of ninth inventor: Robert J. Smith

Inventor's signature R. J. Smith Date 7/8/99

Residence: 889 Larkspur Court, Louisville, Colorado 80027

Citizenship: United States of America

Post Office Address: 889 Larkspur Court, Louisville, Colorado 80027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : (to be assigned)  
Applicant : **Ralph BURNS**  
Filed : **Concurrently Herewith**  
TC/A.U. :  
Examiner :

Docket No. : **2599-104-C4**  
Customer No. : **6449**  
Confirmation No. :

**ASSOCIATE POWER OF ATTORNEY**

**MS - PA**

Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned on behalf of Gen-Probe Incorporated, assignee of the above-identified patent application, hereby appoints the following attorney as associate attorney to prosecute this application and transact business in the Patent and Trademark Office connected therewith:

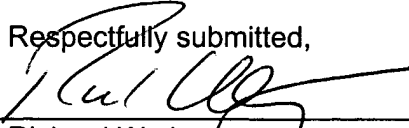
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Please send all correspondence about the application to Richard Wydeven,  
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All other previously granted powers of attorney remain in effect. I am authorized by  
Gen-Probe Incorporated to execute this document.

Respectfully submitted,

By

  
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Attorney for Applicants  
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Date: November 26, 2003  
2599-104-C4-Assoc.poa.wpd